

**Drawing Amendments:**

Applicants have amended the original 2 drawing sheets to include alternating thick and thin lines in the cross-sectional views. Specifically, drawing figures 1A and 1A' were amended only to the extent that every other cross-hatch line was made thicker. Applicants have also added 5 new drawing sheets to show the features of the recessed channel as part of the container, multiple recessed channels on the closure, the container having a corresponding recessed channel, the container having multiple recessed channels, and both the container and closure having multiple recessed channels.

43(previously presented) - The apparatus according to claim 35 wherein said outlet passage is formed from multiple said first recessed channels and multiple said second recess channels.

44(new) - The apparatus according to claim 21 wherein said fluid exit is above the open end of said container.

45(new) - The apparatus according to claim 28 wherein said fluid exit is above the open end of said container.

46(new) - The apparatus according to claim 35 wherein said fluid exit is above the open end of said container.

#### **REMARKS - General**

##### **The Rejection of Claims Under 35 USC § 103**

Claims 21,25,27,28,32,34,35,39,40 were rejected under 35 U.S.C. 103(a) as being unpatentable over Laskin (US 2,437,784). Applicants have amended all 3 independent claims to more clearly define over Laskin. Specifically, claims 21, 28, and 35 were amended to define a closure, in combination with a container, which has a means for creating a partial vacuum within the container to prevent the contained liquid from reaching the fluid exit when the container is inverted, thus it will not leak. Laskin does not disclose such a structure. Laskin teaches a closure, in combination with a container, which has a free flowing vent system and requires the closure be manually turned to the closed position, thus the apparatus cannot be automatically spill-proof. Laskin is also silent regarding a means for creating a partial vacuum within the container to prevent leakage. Thus, the claimed invention produces a different result (leak-proof at all times when inverted) than the result of Laskin. Based on the above, it can be concluded that Laskin not only teaches away from the claimed invention, but also does not anticipate the invention as claimed.

Claims 21,22,24,25,27-29,31,32,34-36, and 39-43 were rejected under 35 U.S.C. 103(a) as being unpatentable over Betka et al (US 4,925,052). Applicants have amended all 3 independent claims to more clearly define

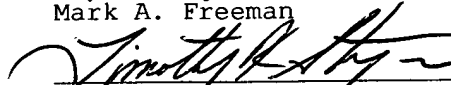
over Betka. Specifically, claims 21, 28, and 35 were amended to define a closure, in combination with a container, which has a means for creating a partial vacuum within the container to prevent the contained liquid from reaching the fluid exit when the container is inverted, thus it will not leak. Betka does not disclose such a structure. Betka teaches a closure, in combination with a container, which has a free flowing vent system and requires the closure be manually turned to the closed position, thus the apparatus cannot be automatically spill-proof. Betka is also silent regarding a means for creating a partial vacuum within the container to prevent leakage. Thus, the claimed invention produces a different result (leak-proof at all times when inverted) than the result of Betka. Based on the above, it can be concluded that Betka not only teaches away from the claimed invention, it also does not anticipate the invention as claimed.

#### **Conclusion**

It can be concluded that, with respect to the prior art, the present invention would not have been obvious to one of ordinary skill in the art. Both Laskin and Betka require manually closing the outlet passage to prevent leakage. It would not have been obvious to one of ordinary skill in the art to modify either Laskin or Betka by incorporating a means for creating a partial vacuum within the container to automatically prevent leakage when the container is overturned. In addition, the present invention has new and unexpected results when compared to Laskin or Betka. It will automatically prevent leakage when overturned. Applicants respectfully submit that the structure of claims 21, 28, and 35 as amended is novel and unanticipated by the prior art. Applicants propose that the claims all define patentably over the prior art, therefore they submit that this application is now in condition for allowance, which action they respectfully solicit.

Very respectfully,

  
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